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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,387	02/05/2002	Yuji Mizushiro	MAT-8228US	7165
7590	06/07/2006		EXAMINER	
RATNER AND PRESTIA Suite 301 One Westlakes, Berwyn P.O. Box 980 Valley Forge, PA 19482-0980			PENG, FRED H	
			ART UNIT	PAPER NUMBER
			2633	
			DATE MAILED: 06/07/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/067,387	MIZUSHIRO ET AL.
	Examiner fred peng	Art Unit 2633

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02/05/2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5/02.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

Detailed Action

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 22 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 22 and 24 recite "memory locations". However, the specification, as originally filed on February 5, 2002, does not adequately describe the new limitation claimed. In addition, applicant has not provided a location for where the newly claimed subject matter is supported in the disclosure. In the absence of adequate support, the limitation of "memory location" discussed in claims 22 and 24 are deemed new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 14, 25, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis (US 6,564,005 B1).

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Claim14 is drawn to a method of forming program list of recoding/reproducing device having plural program list recording parts to record program information of TV broadcasting comprising the steps of **Inputting a password, comparing passwords, forming program list when password matches.**

Claim25 is drawn to a recoding/reproducing device having a program list recording part to record program info comprising **Inputting a Password by control input means, password managing part to manage password, Program list forming means** to read and form a program list.

Claim26 is drawn to a recoding/reproducing device having plural program list recording part to record program info of TV broadcast contents comprising **password managing part to manage password, Inputting a Password by control input means, a recording medium dividing part, a program list forming means** to read and form a program list. The program lists are formed from the divided record area when password is valid.

Berstis anticipates all the limitations of Claims 14, 25 and 26 by "the present invention is directed to a **multi-user system, method**, and computer-usable medium for recording and storing television programs on a hard disk, or other nonvolatile storage, for later viewing by users. **See Col.2 lines 2-10.**

Each user is identified by an associated user profile, and a program schedule, including a list of desired programs to be recorded, is maintained for each user. **Each user can log into the system, at his convenience, and view any of the television programs that have been recorded for him. See Column 2 lines 2-8.** As shown in FIG. 7, the user logs into the system (step 400), the system prompts the user for his **password** (step 402), the user enters his **password** (step 404), and the system **authenticates** the user (step 406). The user then selects "User Menu," (step 408), and the system displays the **User Menu** (step 410)". An exemplary User Menu is shown in FIG. 8. As shown in FIG. 8, the user is presented with a variety of options, such as **Add New Program 450, Modify A Program 452, Delete A Program 454, Replay A Program 456, Save A Program 458, and Log Off 460.** In the example shown in FIG. 8, the user has highlighted Add New Program 450, as indicated in step 412 of FIG. 7. **See Col. 8 lines 5-16.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13, 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (US 6,564,005 B1) and further in view of Ellis et al. (US 2002/0054068 A1) and Look et al. (US 6,757,906 B1).

Claims 1-4, 8-9, 16-17 and 19-20 are drawn to a recoding/reproducing device having a **program list recording part** to record program information comprising a **control input means** to input a **password (PW)**, a password managing part to manage PW, a program list forming means to read and display program list from program list recording part that includes 1st part that requires a valid PW and 2nd part that does not. A valid PW would allow the reading and displaying of the program list either from 1st recording part or from both 1st and 2nd recording parts and the selection is done by the **control input means** which also determines program information is to record in the 1st or the 2nd part. The program list in each recording part includes both reservation list and recorded list. The selected program in the list enables the contents to be **reproduced or deleted**.

Claims 10-13 are further drawn to comprise a V-chip signal detecting part which controls the program info to be recorded in 1st or 2nd part. The rating level is determined by **control input means** and the program info is recorded in 1st part if level is stricter than predetermined level or viewing restriction is detected.

Berstis teaches the limitations of Claims 1-4, 8-9, 16-17 and 19-20 by the present invention is directed to a multi-user system, method, and computer-usable medium for recording and storing television programs on a hard disk, or other nonvolatile storage, for later viewing by users. Each user is identified by an associated user profile, and a program schedule, including a list of desired programs to be recorded, is maintained for each user. See Col.2 lines 2-10.

Each user can **log into** the system, at his convenience, and view any of the television programs that have been recorded for him. See Column 2 lines 2-8. As shown in FIG. 7, the user logs into the system (step 400), the system prompts the user for his **password** (step 402), the user enters his **password** (step 404), and the system **authenticates** the user (step 406). The user then selects "User Menu," (step 408), and the system displays the **User Menu** (step 410). An exemplary User Menu is shown in FIG. 8. As shown in FIG. 8, the user is presented with a variety of options, such as **Add New Program** 450, **Modify A Program** 452, **Delete A Program** 454, **Replay A Program** 456, **Save A Program** 458, and **Log Off** 460. In the example shown in FIG. 8, the user has highlighted **Add New Program** 450, as indicated in step 412 of FIG. 7. See **Col. 8 lines 5-16**.

A **remote control unit** 106 allows a user to interact with and control data processing unit 102. Remote control unit 106 provides the functionality of a pointing device in conventional personal computers, including the ability to move a cursor on a display and select items. See **Col. 3 lines 37-39 and lines 42-45**.

Tuner/video capture circuitry 228 may also include a **V-chip** 231, or other type of screening circuitry. See Col. 5 Lines 32-34. The master user may also **restrict the type of shows** the new user can record (e.g., **by using V-chip ratings**). See Col. 6 lines 61-63. Referring back to FIG. 3, the system displays a New User Menu with some default settings (i.e. options) already filled in (step 314). An exemplary New User Menu is shown in FIG. 5. A space is provided to fill in the new user's name 360, password 362, and other options and/or **restrictions**, ...**content restrictions** 368. Those skilled in the art will realize

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that a variety of different settings or options may be available for a new user. The restrictions shown in FIGS. 5 and 6 are for illustrative purposes only, and are not meant to be limiting. See **Col. 7 lines 31-42**. The master user may also overwrite any of the default settings for the new user (step 318). In the example shown in FIG. 6. ... Content restriction 368 has been changed from "none" to "G," thus indicating that only **television programs with a V-chip rating of "G" may be recorded**. See **Col. 7 lines 49-51 and lines 53-55**.

While Berstis **does not teach** the limitations of 2nd part of recording that does not require password, **Ellis et al. does teach** recording without password by products have been developed that allow users to manage their viewing experiences and record media with increased flexibility. Personal video recorders (PVRs), such as those provided by **TIVO** and REPLAY, record programs on hard-disk drives. Users can schedule programs for recording and play them back at a later time. See paragraph 0004 lines 1-6.

Look et al. further teaches about **TIVO** operations without password required. FIG. 14 is a diagram of a remote control according to the invention; FIG. 16 is a schematic diagram of a central menu screen according to the invention; A viewer using this type of remote control 1401 presses the TiVo button 1401 and the viewer interface **displays a menu** as shown in FIG. 16. TiVo Central 1601 is a central location that contains a list of areas that the viewer can visit and is easily accessed through a single button push on the remote control. See **Col. 14 lines 27-32**. FIG. 17 is a schematic diagram of a **program list** screen according to the invention; FIG. 18 is a schematic diagram of a detailed program information screen according to the invention. The encoded remote control can also be used for parental controls. Specific remote control(s) can be set up so that different levels of parental controls are engaged for each remote control. Children, for example, will have their own personal remote controls that are set up to not allow them to watch any shows with greater than a G-rating. See **Col. 16 lines 64-67 and Col. 17 lines 1-2**.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to combine the recoding/reproducing device with the password for privacy and protection reason with the one like TiVo that does not require password for flexibility and convenience.

Claims 5-7, 18, 21 are drawn to a recoding/reproducing device having **plural program list** recording parts to record program information of TV broadcasting comprising a **password managing part** to manage password, a **control input means** to input a password, a **recording medium dividing part** for dividing into plurality of recorded areas, a **Program list forming part** to read from divided record areas to form a plurality of program lists. The divided record area comprises two kinds of program list recording parts, one part is stored if PW matches or the other part is used if PW does not match. **Program list** includes reservation list and recorded program list. The selected program in the list enables the contents to be **reproduced or deleted**.

Berstis also teaches the limitations of Claims 5-7, 18, 21 by the present invention is directed to a **multi-user system**, method, and computer-usable medium for recording and storing television programs on a hard disk, or other nonvolatile storage, for later viewing by users. Each user is identified by an associated user profile, and a program schedule, including a list of desired programs to be recorded, is maintained for each user. See Col.2 lines 2-10.

Each user can **log into** the system, at his convenience, and view any of the television programs that have been recorded for him. See Column 2 lines 2-8. As shown in FIG. 7, the user logs into the system (step 400), the system prompts the user for his **password** (step 402), the user enters his **password** (step 404), and the system **authenticates** the user (step 406). The user then selects "User Menu," (step 408), and the system displays the **User Menu** (step 410). An exemplary User Menu is shown in FIG. 8. As shown in FIG. 8, the user is presented with a variety of options, such as **Add New Program** 450, **Modify A Program** 452, **Delete A Program** 454, **Replay A Program** 456, **Save A Program** 458, and **Log Off** 460. In the example shown in FIG. 8, the user has highlighted **Add New Program** 450, as indicated in step 412 of FIG. 7. See **Col. 8 lines 5-16**.

Similarly Berstis does not teach limitations of non-password multi-user recording, but **Ellis et al.** and **Look et al.** do teach about **multi-user recording without password** as mentioned earlier and it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to combine the multi-user recoding/reproducing device with the password for each user for privacy and protection reason with the one like TiVo that does not require password for each user for flexibility and convenience.

Claim15 is drawn to a method of forming program list of recoding/reproducing device having plural program list recording parts to record program information of TV broadcasting having program list including reservation list and recorded list comprising the steps of **Inputting a Password by control input means, comparing passwords, selecting either 1st or 2nd recording part by control input means** and is read from the **1st part when password matches** and read from **2nd** if password does not match.

Claim15 is also rejected under the same reasons to reject the **claims 5-7, 18, 21** as mentioned earlier that include both the system and the method.

Claims 22-24 are drawn to a recoding/reproducing apparatus comprising a **1st memory location or plurality of locations** where program information is at least one of stored and accessed when a valid password is entered and a **2nd memory location or plurality of locations** where program information is at least one of stored and accessed when a valid PW is not entered.

The claim further comprises a V-chip to determine if program information stored in **1st memory** if the program information is in a restricted category.

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Same rejection reasons as mentioned earlier for claims 1-2, 5-6 and 10 if we assume the term “**memory location**” is the same scope as the recording part since the term “memory location” is not mentioned anywhere in the specification.

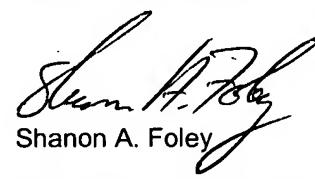
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 07:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on (571)272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng

Patent Examiner


Shanon A. Foley

Supervisory Patent Examiner
